

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Prisons Department-NHRC – Case No.263/1/21/2010-JCD-SCN-M-5 – Death of Under Trail Prisoner Bidda Murali on 18-03-2010 transferred to the Central Prison, Visakhapatnam from Sub-Jail Srungavarapukota in Crime No.142/09 u/s 224 IPC pertaining to P.S.Srungavarapukota – To be investigated by CB-CID-Orders – Issued.

HOME (PRISONS.HRC) DEPARTMENT

G.O.Ms.No. 282

DATED: 28 -11-2011.

Read the following:-

1. From the Assistant Registrar (Law) NHRC, New Delhi, SCN dated. 29-04-2011 in case No. 263/1/21/2010-JCD-SCN-M-5.
2. From the Director General and Inspector General of Prisons & Correctional Services, A.P., Hyderabad, Letter No.SB3/255/2010, dated. 15-06-2011.
3. Govt. Letter No. 13810/Pri.C.HRC/2011, dated. 21-06-2011. address to NHRC.
4. From the Director General and Inspector General of Prisons & Correctional Services, A.P., Hyderabad, Letter No.Jud-3/255/2010, dated. 25-10-2011 addressed to MHRC.
5. Govt. Letter No. 13810/Pri.C.HRC/2011, dated. 02-11-2011. address to NHRC.
6. From the Joint Registrar (Law) NHRC, New Delhi, Letter dated. 16-11-2011 in case No. 263/1/21/2010-JCD-SCN-M-5 alongwith the letter of NHRC, dated 25.04.2011.

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O R D E R:

The RP Prisoner No.6001, Bidda Murali S/o Joggarao,20 years, R/o Boddavara Village, S.Kota Mandal, Vizianagaram arrested in Cr.No.s 95,103,120,138,139/09 and while he was lodged in Sub Jail at Srungavarapukota, he escaped from judicial custody for which a case in Cr.No.142/09 u/s 224 IPC was registered against him for which he was lodged in Central Prison, Visakhapatnam since 30-12-09. He was placed in Ganga 'F' block along with other remand prisoners. It was reported that the said prisoner used to quarrel with other remand prisoners and used to behave in an arrogant manner. It came to light that , on 15-03-2010, an altercation took place between the RP.No 6001, Bidda Murali and the following remand prisoners.

- 1.RP.No.5201, M.Raju
- 2.G.Mahendra
- 3.K.Kanakaraju
- 4.U.Eshwar Raju
- 5.Ch.Ramaswamy Naidu.

On 18-03-2011 when the lock-up numbers was not tallying at the lock-up time and found one prisoner short, immediately an alarm was raised, all the staff rushed to all corners for searching for missing

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prisoner. Finally, the Remand Prisoner, Bidda Murali was found dead hanging himself with towel to a jack fruit tree, hands tied with a towel. As the Superintendent of the Prison suspected some foul play in the incident he gave a complaint to the Station House Officer, Pothinamallayyapalem Police Station of Visakhapatnam District with a request to investigate into the matter.

The DG(Prisons), A.P., Hyderabad has stated that a Lie Detection Test were conducted against the five(5) suspected prisoners by Assistant Director, A.P., Forensic Science Laboratories, Hyderabad and concluded that the 5 suspected prisoners were not involved in committing the crime. The final opinion report of the Assistant professor, Forensic Medical Department of Andhra Medical College, Visakhapatnam declared the death of deceased prisoner, Bidda Murali due to "ASPHYXIA DUE TO HANGING"

The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad has stated that the Superintendent, Central Prison, Visakhapatnam has informed that action has been taken against the errant prison staff, Sri V.Gurunatha Rao, Head Warden, Sri V.Sattaiah, Warden, Sri T.Ramulu, Warden and Sri. M.Appa Rao, Warden by stopping their annual grade increments without cumulative effect with effect from 08-06-2010.

The National Human Rights Commission vide letter dated 25-04-2011 concluded that the inquest proceedings of the Revenue Divisional Officer, Visakhapatnam has stated that there was a fight between the deceased and 5 others. On 18-03-2010 at 4.00 pm the deceased and five prisoners had gone towards the Santhivan Prayer Hall. Later on, the deceased was found dead hanging on a tree, his hands were tied with towel and the testicles were sheared due to beating. In post mortem report there was blood stain on the nicker alongwith blood streaks on the inner aspect of both lower limbs.

From the perusal of the documents available on record, it is clear that there is evidence mentioning that both the hands of the deceased were tied with the towel. It is improbable to assume that a person whose hands were tied would commit suicide. Thus, it is clear by the record that due to the carelessness of the prison staff, the UTP Bidda Murali lost his life. Hence, the National Human Rights Commission is of the view that the State of A.P., has failed to protect the life of the undertrial prisoner which is a clear violation of the Human Rights of the next of the kin of the deceased.

Accordingly, it is directed that the notice u/s 18(a)(i) of the Protection of the Human Rights Act, 1993 be issued to the Chief Secretary to show cause as to why next kin be not compensated. The Commission has directed Government to order CB-CID Enquiry after directing registration of FIR of a murder case and submit the requisite report by 23-12-2011.

The Government after careful examination of the case and keeping in view of the directions of National Human Rights Commission, hereby order for investigation by the Additional Director General of Police, CB/CID, Hyderabad, regarding the death of Sri Bidda Murali died on 18-03-2010 in Central Prison, Visakhapatnam after directing registration of FIR of a murder case.

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The Director General and Inspector General of Prisons & Correctional Services, A.P., Hyderabad, is requested to take necessary steps to furnish the details of the documents to the Additional Director General of Police, CBCID, A.P., Hyderabad and also take necessary steps for ensuring speedy completion of investigation by 15.12.2011 including appointing a Nodal Officer, to assist the Additional Director General of Police, CBCID, A.P., Hyderabad as per the instructions issued in the U.O.Note No.1067/L&O-1/A1/2000-4, dated 30-10-2000 General Administration (Law & Order-1) Department.

This order issues with the concurrence of the Home (SC.B) Department vide their Peshi No.5509, dated 26.11.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.P.ACHARYA
PRINCIPAL SECRETARY TO GOVERBNMENT

To
The Additional Director General of Police, CBCID, Hyderabad(w.e)
The Director General and Inspector General of Prisons &
Correctional Services, A.P., Hyderabad.
The Assistant Registerar (Law), Faridkot House, Copernicus Marg,
National Human Rights Commission, New Delhi.

Copy to

The General Administration (HRC) Department.
The Home (SC.B) Department.
The Law (E) Department.
The Superintendent, Central Prison, Visakhapatnam.

//FORWARDED :: BY ORDER//

SECTION OFFICER